



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2021

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P(MD)No.18712 of 2021

and

W.M.P(MD) .Nos.15451 & 15452 of 2021

WEB COPY

M.Pandi Chandra

... Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Madurai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned E-Tender Notification of the Respondent in Na.Ka.No. Ma.Va4/0013172/2021 dated Nil in respect of the Sl.No.6 and quash the same as illegal and consequentially direct the respondent to permit the petitioner to run the pay and use toilet situated near Sixteen Pillar Mandapam at Thirupuramkundram vide his proceedings in Ma.Va.4/14951/2020 dated 21.01.2021.

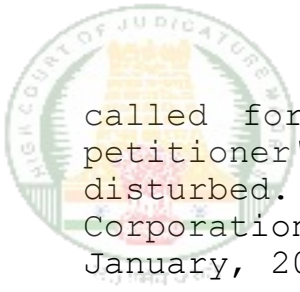
For Petitioner : Mr.D.Senthil
For Respondent : Mr.R.Murali,
Standing Counsel

ORDER

The petitioner has approached this forum challenging the impugned E-Tender Notification of the respondent in Na.Ka.No.Ma.Va4/0013172/2021, dated Nil, in respect of Serial No.6 as illegal and consequently, direct the respondent to permit the petitioner to run the pay and use toilet situated near Sixteen Pillar Mandapam at Thirupuramkundram.

2.Mr.R.Murali, learned Standing Counsel, accepts notice on behalf of the sole respondent.

3.The learned counsel for the petitioner would submit that the petitioner was permitted to maintain the pay and use toilet by the Madurai Corporation, through its order, dated 21.01.2021. Accordingly, the petitioner was given permission to maintain the pay and use toilet for a period of one year at the monthly rent of Rs.6,000/- (Rupees Six Thousand only). The said period ends on 21.01.2022, but before that period, the respondent Corporation



called for E-Tender. If the tender process would succeed, the petitioner's enjoyment and maintenance of the toilet will be disturbed. As per the earlier permission granted by the Madurai Corporation, the petitioner is entitled to maintain the same, till January, 2022.

WEB COPY

4.The aforesaid submission is strongly refuted by the learned Standing Counsel for the respondent stating that even though there is a direction issued by this Court in W.P.(MD)No.13205 of 2018, no public auction was conducted, during the COVID-19 pandemic period. Since the pandemic rules were relaxed, the Corporation initiated the E-tender process, as per the direction given by this Court in the above mentioned writ order. So, the petitioner has no right to challenge the E-Tender and hence, prays to dismiss the writ petition.

5.Heard the learned counsel on either side and perused the materials available on record.

6.On perusal of records, it clearly reveals that on 21.01.2021, the Commissioner of Madurai Corporation, granted permission to the petitioner to maintain the pay and use toilet for a monthly rent of Rs.6,000/- (Rupees Six Thousand Only) for a period of one year, but with imposing Sixteen (16) conditions. One of such conditions in Serial No.13, which reads as follows :

"மேற்படி கட்டண கழிப்பிட கட்டிடம் மாநகராட்சிக்கு தேவைப்படும்
பட்சத்தில் தங்களுக்கு வழங்கப்பட்ட இவ்வனுமதியை ரத்து செய்ய
மாநகராட்சி ஆணையாளருக்கு முழு அதிகாரம் உண்டு"

The said Serial No.13, clearly indicates that whenever the Corporation requires the building, the petitioner has to surrender the same without any interference.

7.Furthermore, as pointed out by the learned Standing Counsel for the respondent-Corporation, as per the new E-tender notification, the Corporation has fixed the rental value of the property at the rate of Rs.6,32,500/- for a period of 11 months.

8.But on the other hand, as per the permission given to this petitioner in the month of January 2021, a sum of Rs.6,000/- per month was fixed (12 X Rs.6000 = Rs.72,000/- per year). It is an admitted fact that during January, 2021, due to COVID-19 Pandemic period, the Government has followed certain restrictions and rules all over the Country, so the public E-tender auction was not conducted. Since the COVID-19 pandemic rules were relaxed by the Government, the Corporation called for a E-tender by following the directions issued by this Court in W.P(MD) No.13958 of 2016. Therefore, the petitioner has no right to cause any interference in the E-Tender notification and hence, I do not find any merit in



9. Accordingly, W.P(MD).No.18712 of 2021 is dismissed. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (Per.Admn)/
Vacation Officer

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rm/tsg/lm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Commissioner,
Madurai Corporation,
Madurai.

W.P (MD) No.18712 of 2021
12.10.2021

NSM (CO)
GC(26.10.2021) 3P 2C